

- SUBJECT:** Expanding employment protections for jury service
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Leach, Y. Davis, Krause, Meyer, Neave, Smith, White
- 0 nays
- 2 absent — Farrar, Julie Johnson
- SENATE VOTE:** On final passage, April 17 — 30-1 (Hancock), on Local and Uncontested Calendar
- WITNESSES:** *On House companion, HB 3449:*
For — Grace Weatherly, TEX-ABOTA; (*Registered, but did not testify:* Lee Parsley, Texans for Lawsuit Reform; Rene Lara, Texas AFL-CIO; George Christian, Texas Civil Justice League; Ware Wendell, Texas Watch; Alexis Tatum, Travis County Commissioners Court)
- Against — None
- BACKGROUND:** Civil Practice and Remedies Code ch. 122 governs a juror's right to reemployment. A private employer is prohibited from terminating the employment of a permanent employee serving as a juror. A violation is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).
- An employee terminated in violation is entitled to return to the same position held when summoned for jury service if notice is given that the employee intends to return. An employee also is entitled to damages and attorney's fees. An action for damages must be brought within two years of the date on which the employee served as a juror. For a defense to action, an employer must prove that termination was because of circumstances other than the employee's service as a juror.
- A court may punish by contempt an employer who terminates, threatens to

terminate, penalizes, or threatens to penalize an employee on jury duty.

DIGEST: SB 370 would prohibit an employer from discharging, threatening to discharge, intimidating, or coercing any permanent employee because the employee served as a juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States.

The bill would take effect September 1, 2019.

SUPPORTERS SAY: SB 370 would protect Texans' constitutional right to trial by jury by expanding protections for employees serving as jurors. According to judges, jurors often express fear of retaliation from their employers if they are selected to serve on a jury, although they have no choice but to serve when called. The right to trial by jury is a constitutional right that should not be undermined by employers who retaliate or threaten retaliation to intimidate employees.

The bill would close loopholes and bring state law in line with federal law. Currently, state law protects permanent employees of private companies from termination as a result of jury service; however, federal law is more expansive and covers all permanent employees, as well as all possible actions taken by employers as a result of an employee's jury service. The bill would expand protections in Texas law to match those in federal law by applying to both public and private employers and covering discharge, threats to discharge, coercion, or intimidation instead of just termination. It also would protect not just those who got selected for a jury but those who were called for jury duty and not selected.

OPPONENTS SAY: No concerns identified.